Case 20-10075-1-rel Doc Filed 03/08/21 Entered 03/08/21 11:55:08 Desc Main

Fill in this information to identify the case:

Debtor 1: DARRYLL SMITH

Debtor 2: (Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN District of New York

Case number: 20-10075

Official Form 410S1 Chapter 13

Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of Creditor: WILMINGTON SAVINGS FUND

SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE

LOAN TRUST A,

Last four digits of any number

you use to identify the debtor's

account:

Date of payment change: 04/01/2021

Court claim no. (if known): 7-1

Must be at least 21 days after

date of this notice

\$938.61

**New total payment:** Principal, interest and escrow, if any

# Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment? Yes

0505

Attach a copy of the escrow account statement prepared in a form consistent with applicable non-bankruptcy law. Describe the basis for the change. If a statement is not attached, explain why:

Current Escrow Payment: \$357.30 New Escrow Payment: \$433.83

#### Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note? No

Attach a copy of the rate change notice prepared in a form consistent with applicable non-bankruptcy law. If a notice is not attached, explain why:

**Current Interest Rate:** 

**New Interest Rate:** 

**Current principal and interest payment:** 

New principal and interest payment:

#### Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above? No

Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change:

**Current mortgage payment:** 

New mortgage payment:

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Debtor 1: DARRYL L SMITH	Case number (if known): 20-10075

Part 4: Sign Here						
The person completing the Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if Different from the notice address listed on the proof of claim to which this Supplement applies.						
Check the appropriate box:						
I am the creditor X I am the creditor's authorized agent						
(Attach copy of Power of Attorney, if any.)						
I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information and reasonable belief.						
/s/ Diane Tran Signature	Date: Feb 24, 2021					
Print: <u>Diane Tran</u>	Title: Authorized Agent					
Company: Liepold, Harrison & Associates						
Address: 701 Highlander Blvd., Ste. 200 Arlington, TX 76015						
Contact Phone:	Email: <u>dtran@ursusholdings.com</u>					

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF New York

In Re: Case No. 20-10075

DARRYL L SMITH

Chapter 13

**Debtor(s)** 

# **CERTIFICATE OF SERVICE**

I hereby certify that on 02/24/2021, a true and correct copy of the foregoing Notice of Mortgage Payment Change was served upon all interested parties pursuant to the Court's CM/ECF system and/or by First Class U.S. Mail.

By: /s/ Diane Tran

WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A 701 Highlander Blvd., Ste. 200 Arlington, TX 76015

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<u>Debtor</u>

DARRYL L SMITH

320 KINGSLEY RD BURNT HILLS, NY 12027

Debtor's Counsel William F. Berglund 54 State St. Albany, NY 12207

<u>Trustee</u>

Andrea E. Celli-Trustee 7 Southwoods Boulevard Albany, NY 12211

<u>U.S. Trustee</u> Office of the U.S. Trustee 11A Clinton Ave. Room 620 Albany, NY 12207 CARRINGTON CARRINGTON MORTGAGE DOCUMENT P.O. BOX 5001 MORTGAGE SERVICES, LLC WASSID 75000 Westfield, IN 46074

(800) 561-4567 FAX: (949) 517-5220

/P1 680

DARRYL SMITH 320 KINGSLEY RD

NY 12027 BURNT HILLS

YOUR LOAN NUMBER :

DATE: 01/15/21

#### \*\*\* ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT - LAST CYCLES ESCROW ACCOUNT HISTORY \*\*\*

THIS HISTORY STATEMENT COMPARES YOUR PRIOR ANALYSIS CYCLE PROJECTED ESCROW ACTIVITY TO TH ACTUAL ESCROW ACTIVITY BEGINNING FEBRUARY, 2020 AND ENDING JANUARY, 2021. IF YOUR LOAN WAS PAID-OFF, ASSUMED, OR TRANSFERRED DURING THIS PRIOR CYCLE, OR THE COMPUTATION YEAR IS BEING CHANGED, ACTUAL ACTIVITY STOPS AT THAT POINT. THIS STATEMENT IS INFORMATIONAL ONLY AND REQUIRES NO ACTION ON YOUR PART.

#### --- YOUR PAYMENT BREAKDOWN AS OF FEBRUARY, 2020 IS ---

PRIN & INTEREST ESCROW PAYMENT TOTAL

	PAYMENTS 1	O ESCROW	ESCROW PAYMENTS FROM ESCROW				ESCROW BALANCE		
MONTH	PRIOR PROJECT	TED ACTUAL PI	RIOR PROJECT	ED DESCRIPTION	ACTUAL	DESCRIPTION	PRIOR PROJECT	TED ACTUAL	
				STARTI	NG BALANCI	E = = >	1323.58	4971.38-	
FEB	357.30 *		*		951.00	HOMEOWNERS	1680.88	5922.38-	
MAR	357.30 *	393.59					2038.18	5528.79-	
APR	357.30 *	393.59	766.00 *	HOMEOWNERS			1629.48	5135.20-	
MAY	357.30 *	390.22					1986.78	4744.98-	
JUN	357.30 *	390.22					2344.08	4354.76-	
JUL	357.30 *						2701.38	4354.76-	
AUG	357.30 *						3058.68	4354.76-	
SEP	357.30 *		2701.38 *	SCHOOL TAX	2783.81	SCHOOL TAX	714.60 TLP	7138.57-	
OCT	357.30 *						1071.90	7138.57-	
NOV	357.30 *						1429.20	7138.57-	
DEC	357.30 *						1786.50	7138.57-	
JAN	357.30	E	820.30 *	CITY TAX	923.08	CITY TAX	1323.50	8061.65- ALP	
T0T	4287.60	1567.62	4287.68		4657.89				

UNDER FEDERAL LAW, WHEN YOUR ACTUAL ESCROW BALANCE REACHES ITS LOWEST POINT, THAT BALANCE IS TARGETED NOT TO EXCEED 1/6TH OF THE ANNUAL PROJECTED DISBURSEMENTS. YOUR LOAN DOCUMENTS OR STATE LAW MAY SPECIFY THAT YOUR LOWEST BALANCE MUST BE A LOWER AMOUNT THAN THE FEDERAL LAW ALLOWS.

UNDER YOUR MORTGAGE CONTRACT OR STATE OR FEDERAL LAW, YOUR TARGETED LOW POINT ESCROW BALANCE (TLP) WAS \$714.60. YOUR ACTUAL LOW POINT ESCROW BALANCE (ALP) WAS \$8,061.65-.

BY COMPARING THE PROJECTED ESCROW TRANSACTIONS WITH THE ACTUAL TRANSACTIONS YOU CAN DETERMINE WHERE A DIFFERENCE MAY HAVE OCCURRED. AN ASTERISK (\*) INDICATES A DIFFERENCE IN EITHER THE AMOUNT OR DATE OF THE PROJECTED ACTIVITY AND THE ACTUAL ACTIVITY.

THE LETTER "E" BESIDE AN AMOUNT INDICATES THAT THE PROJECTED ACTIVITY HAS NOT YET OCCURRED DUE TO THE DATE OF THIS STATEMENT.

IF THERE ARE NO PRIOR PAYMENTS TO OR FROM ESCROW SHOWN, THERE WAS NO PRIOR PROJECTION TO WHICH THE ACTUAL ACTIVITY COULD BE COMPARED.

Your projected escrow balance consists of the following detail (an \* next to an amount indicates this is a total that represents more than one payment to or disbursement from escrow):

#### Escrow payments up to escrow analysis effective date:

03/19 \$393.59 04/19 \$393.59 05/19 \$3.511.98

#### \* \* \* ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT - PROJECTIONS \* \* \*

PLEASE REVIEW THIS STATEMENT CLOSELY - YOUR MORTGAGE PAYMENT MAY BE AFFECTED.
THIS STATEMENT TELLS YOU OF ANY CHANGES IN YOUR MORTGAGE PAYMENT, ANY SURPLUS REFUNDS, OR
ANY SHORTAGE OR DEFICIENCY THAT YOU MUST PAY. IT ALSO SHOWS YOU THE PROJECTED ESCROW
ACTIVITY FOR YOUR ESCROW CYCLE BEGINNING APRIL, 2021 AND ENDING MARCH, 2022.

------- PROJECTED PAYMENTS FROM ESCROW - APRIL,2021 THROUGH MARCH,2022 ---------

HOMEOWNERS INSU 951.00 SCHOOL TAX CITY TAX 923.08

4,657.89 TOTAL PERIODIC PAYMENT TO ESCROW (1/12 OF "TOTAL FROM ESCROW")

------ PROJECTED ESCROW ACTIVITY - APRIL, 2021 THROUGH MARCH, 2022 ----------- PROJECTED PAYMENTS ---- ESCROW BALANCE COMPARISON --

TO FSCROW FROM ESCROW PROJECTED REQUIRED MONTH DESCRIPTION ACTUAL STARTING BALANCE = = = > 1,633.99 2,182.21 388.15 951.00 HOMEOWNERS INSU 1,071.14 1,619.36 APR,21 MAY,21 JUN,21 1,459.29 2,007.51 2,395.66 2,783.81 388.15 388.15 1,847.44 JUL,21 388.15 2,235.59 AUG,21 SEP,21 2,623.74 228.08 ALP 3,171.96 776.30 RLP 388.15 388.15 2.783.81 SCHOOL TAX OCT,21 NOV,21 616.23 1,004.38 1,164.45 1,552.60 388 15 388.15 1,392.53 857.60 DEC,21 388.15 1,940.75 923.08 CITY TAX 1,405.82 **JAN.22** 388.15 388.15 1,245.75 FEB,22 MAR.22 388.15 1.633.90 2.182.12

## ------ DETERMINING THE SUFFICIENCY OF YOUR ESCROW BALANCE ----------

IF THE PROJECTED LOW POINT BALANCE (ALP) IS LESS THAN THE REQUIRED LOW POINT BALANCE (RLP), THEN THERE IS AN ESCROW SHORTAGE....

THE ESCROW SHORTAGE IS....

548.22- \*

\* THIS SHORTAGE THAT WILL BECOME PART OF YOUR MONTHLY PAYMENT WILL BE COLLECTED FOR A PERIOD OF 12 MONTHS FROM April 1, 2021.

IF YOU CHOOSE TO PAY THE ESCROW SHORTAGE IN FULL IN A LUMP SUM PRIOR TO THE EFFECTIVE PAYMENT DATE, YOUR MONTHLY PAYMENT WILL BE REDUCED BY THE MONTHLY SHORTAGE PAYMENT AMOUNT.

AT THE TIME OF YOUR BANKRUPTCY FILING, YOUR ESCROW SHORTAGE INCLUDED IN THE POC (PROOF OF CLAIM) IS \$1,961.90.

#### 

PRTN & TNTEREST 504.78 \* ESCROW PAYMENT 388.15 SHORTAGE PYMT 45.68

BORROWER PAYMENT STARTING WITH THE PAYMENT DUE 04/01/21 938.61

IF YOUR LOAN IS AN ADJUSTABLE RATE MORTGAGE, THE PRINCIPAL & INTEREST PORTION OF YOUR PAYMENT MAY CHANGE WITHIN THIS CYCLE IN ACCORDANCE WITH YOUR LOAN DOCUMENTS.

YOUR ESCROW BALANCE MAY CONTAIN A CUSHION. A CUSHION IS AN AMOUNT OF MONEY HELD IN YOUR ESCROW ACCOUNT TO PREVENT YOUR ESCROW BALANCE FROM BEING OVERDRAWN WHEN INCREASES IN THE DISBURSEMENTS OCCUR. FEDERAL LAW AUTHORIZES A MAXIMUM ESCROW CUSHION NOT TO EXCEED 1/6TH OF THE TOTAL ANNUAL PROJECTED ESCROW DISBURSEMENTS MADE DURING THE ABOVE CYCLE. THIS AMOUNT IS \$714.61. YOUR LOAN DOCUMENTS OR STATE LAW MAY REQUIRE A LESSER CUSHION. YOUR MORTGAGE CONTRACT AND STATE LAW ARE SILENT ON THIS ISSUE. WHEN YOUR ESCROW BALANCE REACHES ITS LOWEST POINT DURING THE ABOVE CYCLE, THAT BALANCE IS TARGETED TO BE YOUR CUSHION AMOUNT. YOUR ESCROW CUSHION FOR THIS CYCLE IS \$776.30.

YOUR PROJECTED ESCROW BALANCE CONSISTS OF THE FOLLOWING DETAIL (AN  $\ast$  NEXT TO AN AMOUNT INDICATES THIS IS A TOTAL THAT REPRESENTS MORE THAN ONE PAYMENT TO OR DISBURSEMENT FROM ESCROW):

Escrow payments up to escrow analysis effective date: 07/19 \$390.22 08/19 \$390.22 09/19 \$6.953.30\* 07/19

#### IMPORTANT BANKRUPTCY NOTICE

If you have been discharged from personal liability on the mortgage because of bankruptcy proceedings and have not reaffirmed the mortgage, or if you are the subject of a pending bankruptcy proceeding, this letter is not an attempt to collect a debt from you but merely provides informational notice regarding the status of the loan. If you are represented by an attorney with respect to your mortgage, please forward this document to your attorney.

### CREDIT REPORTING

We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit

#### MINI MIRANDA

This communication is from a debt collector and it is for the purpose of collecting a debt and any information obtained will be used for that purpose. This notice is required by the provisions of the Fair Debt Collection Practices Act and does not imply that we are attempting to collect money from anyone who has discharged the debt under the bankruptcy laws of the United States.

#### **HUD COUNSELOR INFORMATION**

If you would like counseling or assistance, you may obtain a list of HUD-approved homeownership counselors or counseling organizations in your area by calling the HUD nationwide toll-free telephone number at (800) 569-4287 or toll-free TDD (800) 877-8339, or by going to http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm. You can also contact the CFPB at (855) 411-2372, or by going to www.consumerfinance.gov/find-a-housing-counselor.

# **EQUAL CREDIT OPPORTUNITY ACT NOTICE**

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has, in good faith, exercised any right under the Consumer Credit Protection Act. The Federal Agency that administers Carrington Mortgage Services, LLC's compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

New York City Department of Consumer Affairs Debt Collection Agency License Numbers: 1264739-DCA; 2027784-DCA & 2027786-DCA

This Collection agency is licensed by the City of Buffalo license numbers: 555177; 555176 & 10033598

City of Yonkers Debt Collection Agency License Number: 9717; 9837 & 9826

For New York residents: You may file complaints about Carrington Mortgage Services, LLC with the New York State Department of Financial Services. You may obtain further information from the New York State Department of Financial Services about the availability of housing counseling services by calling the Department's Consumer Assistance Unit at 1-800-342-3736 or by visiting the Department's website at www.dfs.ny.gov. Carrington Mortgage Services, LLC is registered with the Superintendent of the New York State Department of Financial Services. Carrington Mortgage Services, LLC remains responsible for all actions taken by third-party service providers authorized by Carrington Mortgage Services, LLC to act on its behalf regarding the servicing of your loan.